

**REVISED
AGENDA
ZONING COMMITTEE
OF THE SAINT PAUL PLANNING COMMISSION
Thursday, September 27, 2012 3:30 P.M.
City Council Chambers, Room #300
Third Floor City Hall - Saint Paul, Minnesota**

NOTE: The order in which the items appear on this agenda is not necessarily the order in which they will be heard at the meeting. The Zoning Committee will determine the order of the agenda at the beginning of its meeting.

APPROVAL OF SEPTEMBER 27, 2012, ZONING COMMITTEE MINUTES

SITE PLAN REVIEW – List of current applications (Tom Beach, 651-266-9086)

NEW BUSINESS

- 1 12-098-382 Southview Senior Living**
Conditional use permits for assisted living facility and to increase the surface parking maximum, and variance of alley access standard for residential property
484-494 Ashland, 88 Mackubin St, and 493-497 Holly, SE corner at Mackubin St
RM2
Kate Reilly 651-266-6618
- 2 ~~12-103-789 Gerdau Ameristeel US Inc.~~**
~~Conditional use permits for outdoor recycling processing center and for use of a method other than fill to elevate a structure above the regulatory flood protection elevation and variance of site access more than two feet below RFPE~~
~~740-780 Barge Channel Road, SE of Midwestern Railroad~~
~~12~~
~~Josh Williams 651-266-6659~~
- 3 12-101-124 Twin City Tees**
Enlargement of nonconforming use (limited production and processing) and variance of lot area coverage (35% maximum allowed; approximately 57% requested)
938 6th St E, SW corner at Forest
RT1
Scott Tempel 651-266-6621
- 4 12-101-937 Reemo gas pump relocation**
Appeal by Raymond and Susan Cantu of a decision by the Zoning Administrator to approve the site plan for the relocation of the gas pumps and gas island at REEMO Gas and Convenience Store
1200 Rice St, SE corner at Rice St.
B2
Corinne Tilley 651-266-9085

ADJOURNMENT

Information on agenda items being considered by the Zoning Committee can be found online at www.stpaul.gov/ped, then Planning, then Zoning Committee.

ZONING COMMITTEE MEMBERS: Call Patricia James at 266-6639 or Samantha Langer at 266-6550 if you are unable to attend the meeting.

APPLICANT: You or your designated representative must attend this meeting to answer any questions that the committee may have.

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Southview Senior Living **FILE #:** 12-098-382
 2. **APPLICANT:** Ramsey Hill Senior Living LLC **HEARING DATE:** September 27, 2012
 3. **TYPE OF APPLICATION:** Conditional Use Permit & Variance
 4. **LOCATION:** 484-494 Ashland; 493-497 Holly and 88 Mackubin St, SE corner at Mackubin St
 5. **PIN & LEGAL DESCRIPTION:** 01.28.23.24.0043 through 0046, Woodland Park Addition to St Paul, Western 15 feet of Lot 6 and Lots 7 Thru 14, Block 14
 6. **PLANNING DISTRICT:** 8 **PRESENT ZONING:** RM2
 7. **ZONING CODE REFERENCE:** § 61.501; § 61.601; § 61.202(b); § 63.207(c); § 63.310; § 65.180
 8. **STAFF REPORT DATE:** September 6, 2012 **BY:** Kate Reilly
 9. **DATE RECEIVED:** August 27, 2012 **60 DAY DEADLINE FOR ACTION:** October 26, 2012
-

- A. **PURPOSE:** Conditional use permits for assisted living facility and to increase the surface parking maximum, and variance of alley access standard for residential property
- B. **PARCEL SIZE:** Four parcels: two fronting on Ashland 340 ft. x 140 ft. or 47,600 square feet and two on Holly 105 ft. x 143 ft. or 15,015 square feet for a total of 62,615 square feet.
- C. **EXISTING LAND USE:** H-Nursing Home (vacant)
- D. **SURROUNDING LAND USE:**
 - North: Large one- and two-family homes with some multi-family residential (zoned RM2 Multiple-Family Residential)
 - East: Townhomes and one- and two-family homes with some multi-family residential (zoned RT2 Townhouse Residential and RM2)
 - South: Large one- and two-family homes, with some multi-family residential (zoned RT2)
 - West: Large one- and two-family homes, with some multi-family residential (zoned RT2 and RM2)
- E. **ZONING CODE CITATION:** § 65.180 lists general requirements for assisted living facilities and references §65.182 Nursing Home; § 63.207(c) sets the off-street surface parking maximum and provides for increasing the surface parking maximum with a conditional use permit; § 63.310(e) provides alley access standards for residential property; § 61.501 lists general requirements for all conditional uses; § 61.202(b) authorizes the planning commission to grant variances when related to permits, using the required findings of MN Stat. 462.357, Subd. 6.
- F. **HISTORY/DISCUSSION:** The Saint Paul's Church Home complex at the southeast corner of Ashland and Mackubin essentially is composed of two structures, one constructed in 1896 and one constructed in 1960, with a large three-story addition to the rear constructed in 1985. The 1896 building is categorized as contributing to the local Historic Hill District and the National Register Historic Hill District. The Heritage Preservation Commission is reviewing this project. The structure has been used as a nursing home since at least 1960. Zoning records suggest that the use has been in existence since at least 1942 (Z.F. #1173). According to historical zoning records, a conditional use permit was approved in 1982 for a nursing home (Z.F. #9246).
- G. **DISTRICT COUNCIL RECOMMENDATION:** District 8 had not made a recommendation that the time this staff report was prepared.
- H. **FINDINGS:**
 1. Ramsey Hill Senior Living proposes a 61-unit assisted living facility in the 1896 building at 494 Ashland and in a new addition. The applicant will re-use the existing 14,419 square foot historic 1896 building on the site. The 1960 and 1985 additions will be removed and replaced with a 14,970 square foot addition and related gardens and terraces.
 2. §65.180 *Assisted living*, refers to §65.182 *Nursing home*, for standards and conditions. There is one standard that applies, standard (a), *The yard requirements for multiple-family uses in the district apply*. This condition is met. The historic 1896 building that will remain has an existing,

legal non-conforming 12' 8" front yard setback from Ashland Ave. The proposed addition will have the same 12'8" setback from Ashland Ave., consistent with §62.105, *Nonconforming structures with conforming uses*, which provides, "A nonconforming structure may be enlarged or altered so long as such enlargement or alteration does not increase the nonconformity."

3. §63.207(c) *Off-street parking maximum* sets the standard off-street surface parking maximum at 170 percent of minimum and permits a use to increase the maximum further with a conditional use permit based on demonstration of need.

The applicant has applied for a conditional use permit to increase the surface parking maximum. The site plan provided by the applicant shows 45 off-street surface spaces for use by visitors and employees of the facility. The minimum number of spaces required is 20. The maximum number of surface parking spaces allowed without a conditional use permit, 170 percent of 20, is 34. The applicant has applied to increase the surface parking maximum by 11 spaces to 45 surface parking spaces. These spaces consist of 26 spaces in the surface parking lot adjacent to the structure and 19 spaces along the alley to the south of the structure. The applicant states that the additional spaces are needed to be sensitive to limited existing on-street parking in the neighborhood. There are 30 employees at the facility who will park over three shifts. The first shift will have 18 employees, the second nine and the third three (overnight). Parking for employees is provided along the alley and in the lot to the south of the property. The projected number of visitors each day is 15, with visitors staying for an hour. Visitors may visit the facility between 8 a.m. and 8 p.m. each day.

4. The Planning Commission has developed a list of factors to inform and assist in its review of applications to increase the surface parking maximum and to help determine the need for the proposed additional parking and conformance with the general standards for a conditional use permit. The first factor is "*Average daily counts to demonstrate parking demand, times and amount of peak demand, and the proportion of users who are employees, visitors, residents, clients, contractors, vendors, interpreters, etc. at those times.*" Based on the information provided by the applicant, peak parking for employees would be during the shift change between the first and second shift. A maximum of 27 employees would park at that time. The maximum of 34 surface parking spaces would leave 7 spaces for guests during the shift change. At peak parking for employees during the first shift, there would be a maximum of 18 employees parking, leaving at least 16 spaces for visitors, with more visitor parking spaces available for the other shifts. This suggests that the maximum number of surface parking spaces allowed without a conditional use permit, 34, would suffice.

The other factors pertain to alternative ways to reduce the need for additional surface parking. In this case, where the maximum number of surface parking spaces allowed without a conditional use permit is enough to meet the need for parking, the other factors do not need to be addressed.

5. §61.501 lists five general standards that all conditional uses must satisfy:
 - a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met for the proposed assisted living facility but not for increasing the parking maximum. This is a reuse and expansion of an existing nursing home for much the same purpose, assisted living, and listed on the same line of the use table for residential districts. The proposed assisted living facility is consistent with Comprehensive Plan Housing Strategy 1.1 *Increase housing choices across the city to support economically diverse neighborhoods* and Housing Strategy 2.18 *Support the expansion of housing choices for seniors*. The finding is not satisfied for the conditional use permit to increase the surface parking maximum as stated in Finding 4 and is not in

compliance with the following strategies: Transportation Strategy 2.13b states that parking maximums should be established; Transportation Strategy 2.7(b) seeks to explore *...parking policies that encourage alternatives to the single-occupancy automobile*; Transportation Strategy 2.8 seeks to *create incentives for development in which off-street parking is voluntarily reduced, structured, pervious, or heavily landscaped*. The requested increase in the parking maximum in this case is not consistent with these transportation strategies. It is also not consistent with Land Use Strategy 1.43, which seeks to *explore the use of planning and development tools to increase the production of housing including...parking reductions*.

- b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met for both conditional use permit applications. Ingress and egress to the parking on the property will be via the alley and via Holly to a parking lot. The code requires a minimum of 20 spaces, which will be exceeded. This will minimize congestion in the public streets. The applicant has applied for a conditional use permit to increase the surface parking maximum from 34 spaces to 45 spaces.
- c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met for the assisted living facility. The use as an assisted living facility is similar in use to that of the previous nursing home use and is listed on the same line of the use table for residential districts. The assisted living facility will not be detrimental to the existing character of in the immediate neighborhood and it will not endanger the public health, safety and general welfare. This condition is not met for the proposed increase to the surface parking maximum. Increased parking will create additional traffic in the alley which may endanger the public health, safety and general welfare of the neighborhood.
- d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met for the assisted living facility and for the proposed increase to the surface parking maximum. The uses are similar to the previous use and will not impede the normal and orderly development and improvement of the surrounding property.
- e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met for the proposed assisted living facility. § 65.182 cites the yard requirements for multiple-family uses in the district, addressed in finding 2 above. § 66.231, the density and dimensional standards table for residential districts also sets a maximum height for the RM2 Multiple family district of five stories or 50 feet. In this case the building will be three stories and 46' 6" above grade at the highest point. § 66.232 sets a maximum lot coverage of 35% for residential districts. The proposed development will have a lot coverage of 30.4%.

This condition is not met for the proposed increase to the surface parking maximum from 34 spaces to 45 spaces because § 63.310 (e) *Alley access from residential property* provides that parking facilities with seven (7) or fewer parking spaces may be directly off of the alley and the maneuvering lane may include the alley would not be met. The applicant has requested a variance to allow 19 parking spaces directly off of the alley and to use the alley as a maneuvering lane. Conformance of the requested variance with the required findings to grant a variance prescribed in MN Stat. 462.357 is addressed in finding 6 below.

6. MN Stat. 462.357, Subd. 6 was amended to establish new grounds for variance approvals effective May 6, 2011. Required findings for a variance consistent with the amended law are as follows:
 - (a) *The variance is in harmony with the general purposes and intent of the zoning code.* This

finding is not met. § 63.310 (e) *Alley access from residential property* allows parking facilities of seven (7) or fewer parking spaces to be directly off of the alley and to use the alley as a maneuvering lane. The applicant has requested that 19 spaces be directly off of the alley and use the alley as a maneuvering lane. The intent of the limit of seven spaces using the alley as a maneuvering lane pertains to alley safety and congestion. The site has legal non-conforming status for 10 parking spaces using the alley for a maneuvering lane. Increasing this to 19 spaces is inconsistent with the intent of the code.

- (b) *The variance is consistent with the comprehensive plan.* This finding is met. The Comprehensive Plan seeks to promote the redevelopment of vacant sites (Land Use Strategy 2.2). A variance to allow more parking spaces to use the alley for maneuvering is also consistent with comprehensive plan policies to reduce the size of off-street parking lots to promote more efficient land use, improved aesthetics and environmental quality.
- (c) *The applicant has established that there are practical difficulties in complying with the provision, that the property owner proposes to use the property in a reasonable manner not permitted by the provision. Economic considerations alone do not constitute practical difficulties.* This finding is not met. Based on the projected parking numbers provided by the applicant, it appears that adequate employee and visitor parking for the site can be provided without a variance.
- (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is not met. There are 10 spaces already located directly off of the alley. The applicant seeks to increase this number by 9. Based on the projected parking numbers provided by the applicant, it appears that adequate off-street parking can be provided without a variance.
- (e) *The variance will not permit any use that is not allowed in the zoning district where the affected land is located.* This finding is met. The use is parking for an assisted living facility, both of which are permitted uses in the RM2 zoning district.
- (f) *The variance will not alter the essential character of the surrounding area.* This finding is met. There are already 10 parking spaces provided with alley access. An additional nine spaces will not alter the essential character of the area, which is residential in nature, with some larger multi-family structures throughout.

I. STAFF RECOMMENDATION:

Based on the above findings, staff recommends approval of a conditional use permit for the proposed assisted living facility subject to the condition that the Heritage Preservation Commission approves the design of the facility.

Based on findings 4, 5(a,c,e) and 6(a-c) staff recommends denial of a conditional use permit to increase the surface parking maximum, and denial of a variance of the standard in §63.310(e) to permit more than the existing 10 parking spaces located directly off the alley and to use the alley as a maneuvering lane.

**CONDITIONAL USE PERMIT APPLICATION**

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589

Zoning office use only

File # 12-098382

Fee: _____

Tentative Hearing Date:

9-13-12

PD-8

012823240044

APPLICANT

Name John Harris (HARRISS ARCHITECTS)
Address 3207 Central Ave NE.
City Minneapolis St. MN Zip 55418 Daytime Phone 6129406427
Name of Owner (if different) Lance Lemevik
Contact Person (if different) John Harris Phone 6129406427

**PROPERTY
LOCATION**

Address / Location 494 Ashland Ave.
Legal Description attached Current Zoning RM-2
(attach additional sheet if necessary)

TYPE OF PERMIT:ASSISTED
LIVING
CUP

Application is hereby made for a Conditional Use Permit under provisions of

Chapter 65.180, Section _____, Paragraph _____ of the Zoning Code.

SUPPORTING INFORMATION: Explain how the use will meet all of the applicable standards and conditions. If you are requesting modification of any special conditions or standards for a conditional use, explain why the modification is needed and how it meets the requirements for modification of special conditions in Section 61.502 of the Zoning Code. Attach additional sheets if necessary.

See ATTACHED

(NOTE: COMBINED W. CUP FOR
ASSISTED LIVING IN RM-2 DISTRICT
AND VARIANCE FOR ALLEY ACCESS)

☒ Required site plan is attached

Applicant's Signature

Date

8/24/2012

City Agent

Kate R.
8-27-12

**CONDITIONAL USE PERMIT APPLICATION**

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589

Zoning office use only

File # _____

Fee: _____

Tentative Hearing Date: _____

APPLICANT

Name John Harriss (HARRISS ARCHITECTS)
Address 3207 Central Ave NE.
City Minneapolis St. MN Zip 55418 Daytime Phone 612 940 6427
Name of Owner (if different) Lance Lemerix
Contact Person (if different) _____ Phone _____

**PROPERTY
LOCATION**

Address / Location 414 Ashland
Legal Description See attached

Current Zoning _____
(attach additional sheet if necessary)

TYPE OF PERMIT:

CUP FOR
PARKING

Application is hereby made for a Conditional Use Permit under provisions of

Chapter 63.207.6, Section _____, Paragraph _____ of the Zoning Code.

SUPPORTING INFORMATION: Explain how the use will meet all of the applicable standards and conditions. If you are requesting modification of any special conditions or standards for a conditional use, explain why the modification is needed and how it meets the requirements for modification of special conditions in Section 61.502 of the Zoning Code. Attach additional sheets if necessary.

SEE ATTACHED.

CUP FOR PARKING IN RM-2
DISTRICT - DOCUMENTATION COMBINED
WITH LETTER FOR ASSISTED LIVING
USE IN AN RM-2 DISTRICT AND
X DRIVE ACCESS VARIANCE

☒ Required site plan is attached

Applicant's Signature

Date

8/24/12

City Agent

Kate R
8-27-12



APPLICATION FOR ZONING VARIANCE
Department of Safety and Inspections
375 Jackson Street
Suite 220
Saint Paul, MN 55101-1806
General: 651-266-9008
Fax: (651) 266-9099

Zoning office use only

File Number: _____
Fee: \$ _____
Tentative Hearing Date: _____
Section(s) _____
City agent _____

APPLICANT

Name John Harris Company Harris Architects
Address 3907 Central Ave NE
City Minneapolis St. MN Zip 55418 Daytime Phone 612 940 6427
Property Interest of Applicant (owner, contract purchaser, etc) Lance LeMieux
Name of Owner (if different) (Owner) Phone 651 554 9555

**PROPERTY
INFORMATION**

Address / Location 494 Ashland Ave.
Legal Description See attached
(attach additional sheet if necessary)
Lot Size 63,824 Present Zoning RM-2 Present Use NURSING HOME
(ABANDONED)
Proposed Use ASSISTED LIVING / MEMORY CARE FACILITY

Variance[s] requested: Variance to 63.310 (Alley Access Requirement)

Supporting Information: Supply the necessary information that is applicable to your variance request, provide details regarding the project, and explain why a variance is needed. Duplex/triplex conversions may require a pro forma to be submitted. Attach additional sheets if necessary.

See ATTACHED.

Attachments as required:

☒ Site Plan

☒ Attachments

☐ Pro Forma

Applicant's Signature

[Signature]

Date

8/29/2012

LEGAL DESCRIPTION PARCEL 1

Lots 7–12, and Lot 6 except the east 15 feet, Block 1, Woodland Park Addition to St. Paul, Ramsey County, Minnesota.

LEGAL DESCRIPTION PARCEL 2

Lots 13 and 14, Block 14, Woodland Park Addition to St. Paul, Ramsey County, Minnesota.

HARRISS ARCHITECTS

3207 Central Ave NE, Minneapolis MN 55418 p: 612.339.2190 f: 612.339.4783

August 24, 2012

Re: Variance and Conditional Use Permit for 494 Ashland Avenue

For: Ramsey Hill Senior Living, Zoning File # 12-087-317

This letter will serve as supporting information for the Conditional Use Permit for Assisted Living in the RM-2 District.

Currently, the requirements of 66.231 require a lot area of 1,500 sf per dwelling unit. The facility, as proposed, consists of 61 units on 63,792 square feet. As an assisted living use is permitted as a conditional use in the RM-2 district, this requirement seems to be at odds with the facility requirements of assisted living.

Ramsey Hill Senior Living is an assisted living facility that will house residents who are in need of a specific type of care based upon mild to moderate memory loss. Residents dine in congregate dining areas on each floor. These dining areas are served by a central kitchen on site. No residents are permitted to have their meals in their units. It is an important aspect of their care that they dine in a congregate setting.

The vast majority of the residential units are 500 sf or fewer. We have attached as part of this application the floor plans and a tabulation of the unit sizes. While each unit has a kitchen, they are not intended for meal preparation. The units have stoves, but they are locked out, so the residents really only have a refrigerator and sink. Essentially, these are rooms within a larger facility that includes common spaces for dining and community activities.

The Ramsey Hill Senior Living is not a facility that will provide a continuum of care. In other words, unlike many other facilities, this building will not house a mix of independent, assisted living and memory care. This facility will be 100% devoted to memory care, with no residents dining in their units.

Because none of the residents will be driving, we believe that there should be no concern about traffic generated from the facility. That being said, the Owner is interested in providing as much parking as possible; for staff and visitors, so that any concerns that the neighborhood may have regarding parking will be alleviated. This will allow the maximum number of off street spaces to

be dedicated to the residents of the neighborhood. Ramsey Hill Senior Living will instruct all visitors and staff to park only in the parking spaces owned by the facility.

Clearly, the Zoning Code as currently written is not in step with current practices in the Senior Housing Market. The average age for residents in all assisted living facilities is over 80 years old. Very few of these residents prepare their own meals or drive. The size of units in these facilities (not including independent living) average from 350 to 750 sf. If assisted living is a permitted conditional use in the RM-2 District, then the City should consider revising the ordinance to more accurately reflect the area requirements for Assisted Living dwelling units, and the age of the residents in these facilities.

We currently are depicting 26 parking spaces on the south parcel, in the area that is currently a parking lot. These spaces will be used for staff parking, primarily, and will be brought up to District standards and City Zoning Standards. The 19 spaces at the rear of the building will be used by visitors. These spaces are intended to alleviate traffic congestion in the neighborhood. In addition, it will free up valuable parking spaces on the street with the current neighborhood residents. It is the position of the Owner that the additional parking will benefit the neighborhood, and will not generate any significant congestion in the alley. There are simply not enough visitors to have this be a concern. Also, the average stay of each visitor is approximately one hour, and visiting hours are spread out throughout the day, so there will not be a lot of frequent arrivals and departures. We believe that the neighborhood will be supportive of our request for additional parking.

There is no economic benefit for the Owner to have additional parking. The additional parking will add to the construction and maintenance costs of the facility. The additional parking is there as a consideration to the neighborhood residents.

We strongly believe that The Ramsey Hill Senior Living facility will not have adverse impact on the neighborhood, and will be a positive force in the community for years to come. In addition, the taxes generated by this facility will be a major benefit to the City. The intention of the ordinances are to alleviate both potential traffic congestion, and undue stress on community infrastructure. Given the true nature of this facility, these concerns do not apply in this case.

HARRISS ARCHITECTS

3207 Central Ave NE, Minneapolis MN 55418 p: 612.339.2190 f: 612.339.4783

To: Kate Reilly, St. Paul PED

RE: Conditional Use Permit to increase the off-street parking maximum for the Ramsey Hill Senior Living Project

Ramsey Hill Senior Living, LLC is requesting that the City Of St. Paul allow additional parking for their Project: Ramsey Hill Senior Living. The reason for this request is simple: The Owner is sensitive to the limited existing on-street parking in the neighborhood. He does not want to burden the neighborhood with additional parking for staff and visitors to the facility. Therefore, because the space is available, he would like to increase the parking. This increase in parking provides no tangible economic or operational benefit to the Owner. The request is made specifically to lessen the burden of increased parking on the neighborhood.

Number of employees at this facility: 30

Number of visitors per day: 15

Approximate duration of visits: 1 hour

Visiting Hours: 8 am – 8 pm

Number of Employee Shifts: 3

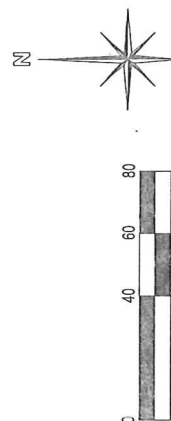
Staff per Shift

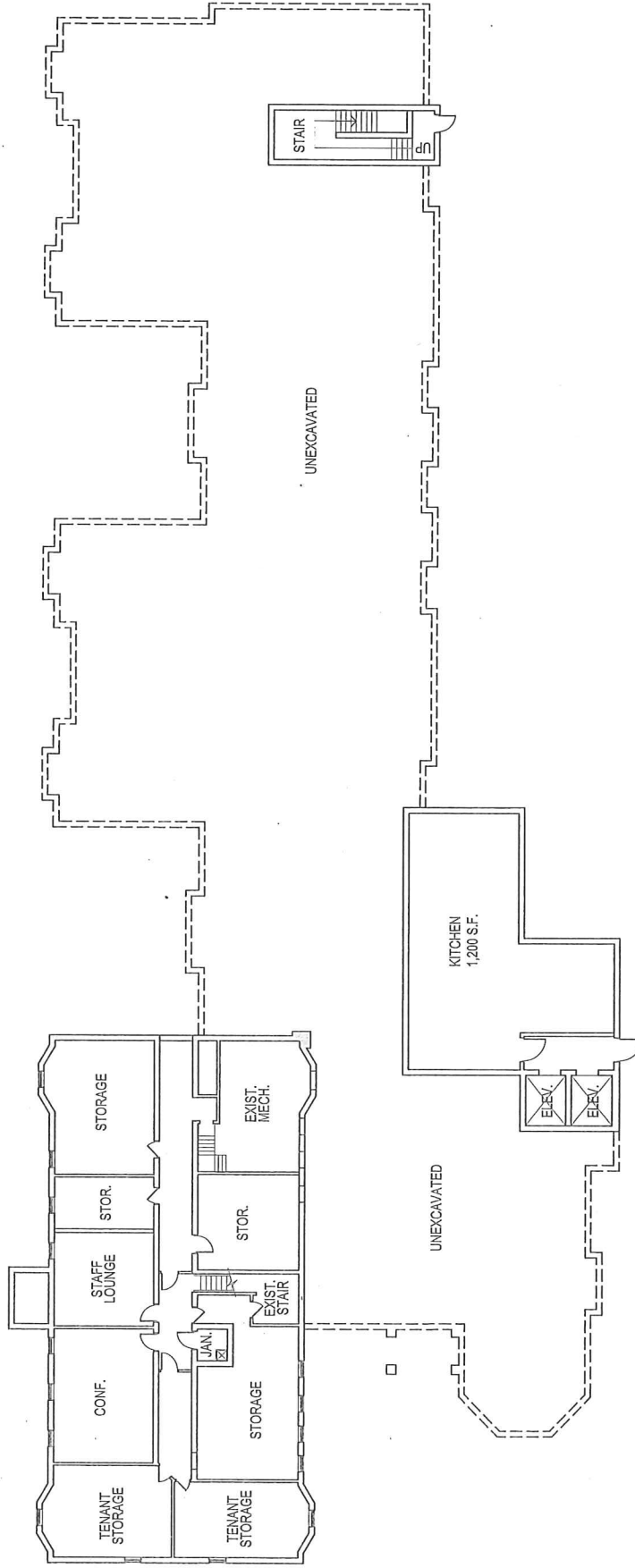
Day 18

Evening 9

Overnight 3

In conclusion, Ramsey Hill Senior Living is sensitive to the densely populated nature of the Ramsey Hill neighborhood. It is their intention to not place any additional burdens on their neighbors for parking. Therefore, Ramsey Hill Senior Living requests additional parking as a means to lessen their impact on the available on-street parking in the neighborhood.





CONCEPT LOWER LEVEL PLAN - HPC SUBMITTAL 1" = 20'-0"

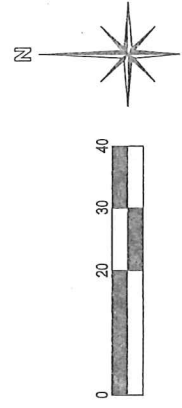
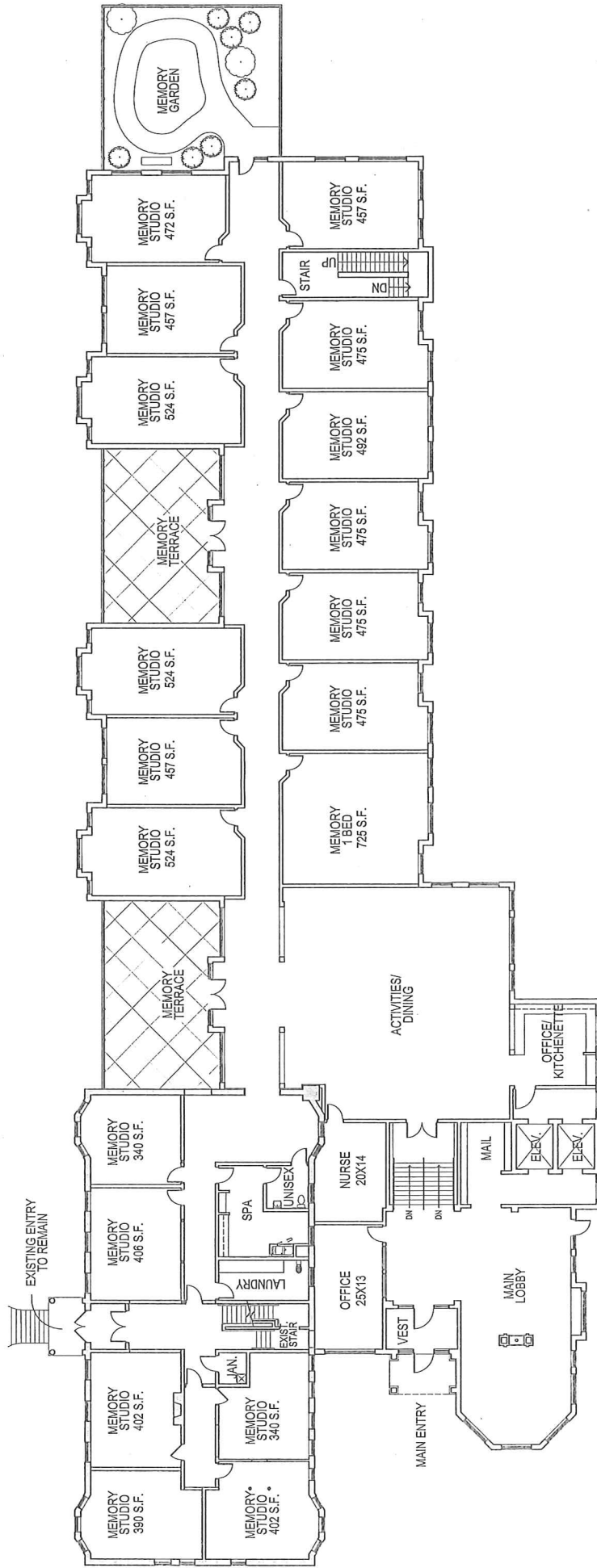
SOUTHVIEW SENIOR LIVING
 RAMSEY HILL
 ST. PAUL
 MINNESOTA

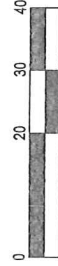
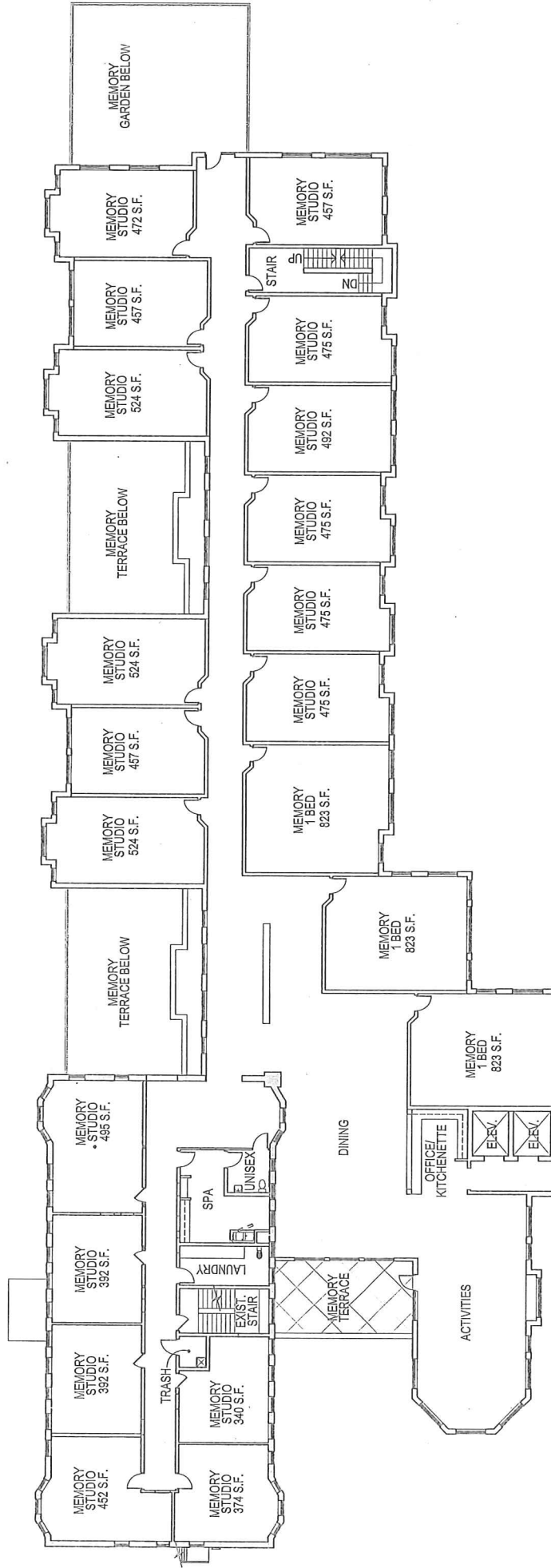
HARRISS
 ARCHITECTS

DATE: 6/21/12

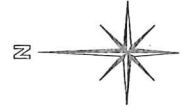
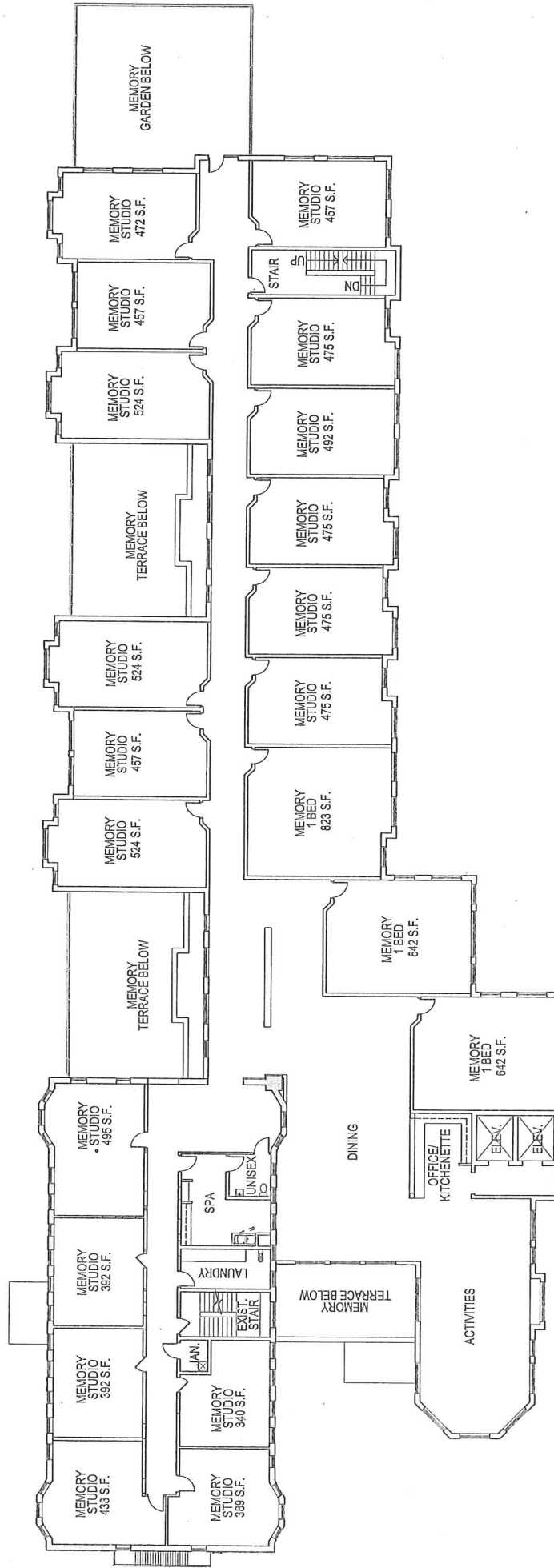
A-4

JOB # 3013





CONCEPT SECOND LEVEL PLAN - HPC SUBMITTAL 1" = 20'-0"



	EXIST. BLDG.	NEW BLDG.	TOTAL PER FLOOR
LOWER LEVEL	4,419 S.F.	1,664 S.F.	6,083 S.F.
MAIN LEVEL	4,419 S.F.	14,970 S.F.	19,389 S.F.
SECOND LEVEL	4,419 S.F.	14,172 S.F.	18,591 S.F.
THIRD LEVEL	4,419 S.F.	14,172 S.F.	18,591 S.F.
TOTAL	17,676 S.F.	44,978 S.F.	62,654 S.F.

	STUDIO	1 BED	TOTAL
FIRST FLOOR	18 UNITS	1 UNIT	19 UNITS
SECOND FLOOR	18 UNITS	3 UNITS	21 UNITS
THIRD FLOOR	18 UNITS	3 UNITS	21 UNITS
TOTAL BUILDING	54 UNITS	7 UNITS	61 UNITS



SOUTHVIEW SENIOR LIVING
RAMSEY HILL
ST. PAUL
MINNESOTA

BUILDING CALCULATIONS - HPC SUBMITTAL

DATE: 6/21/12

A-8

JOB # 3013

- Interstate
- Highway or County Road
- Local Road
- Ramp
- Other Street
- WATER





APPLICANT Lance Lemieux
 PURPOSE CUP w/Variance
 FILE # 12-098382 DATE 8-27-12
 PLNG. DIST. 8 Land Use Map # 20
 SCALE 1" = 400' Zoning Map # 15

LEGEND

zoning district boundary

subject property

one family
 two family
 multiple family

commercial
 industrial
 vacant



ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Twin City Tees **FILE #** 12-101-124
 2. **APPLICANT:** Twin Cities Tees **HEARING DATE:** September 27, 2012
 3. **TYPE OF APPLICATION:** NUP - Enlargement
 4. **LOCATION:** 938 6th St E, SW corner at Forest
 5. **PIN & LEGAL DESCRIPTION:** 332922220079; Schiffmann Place Lot 1
 6. **PLANNING DISTRICT:** 4
 7. **ZONING CODE REFERENCE:** Sec. 62.109(d) **PRESENT ZONING:** RT1
 8. **STAFF REPORT DATE:** September 19, 2012 **BY:** Scott Tempel
 9. **DATE RECEIVED:** September 4, 2012 **60-DAY DEADLINE FOR ACTION:** November 3, 2012
-

A. **PURPOSE:** Enlargement of nonconforming use (limited production and processing) and variance of lot area coverage (35% maximum allowed; approximately 57% requested)

B. **PARCEL SIZE:** 50.55' (E. 6th St.) X 133.9' (Forest St. including 10' for ½ of alley = 6,769 sq. ft.)

C. **EXISTING LAND USE:** Silk-screening shop, limited production and processing

D. **SURROUNDING LAND USE:**

North: Low density residential (RT1, two-family zoning)

East: Low density residential (RT1, two-family zoning)

South: Low density residential (RT1, two-family zoning)

West: Low density residential (RT1, two-family zoning)

E. **ZONING CODE CITATION:** Sec. 62.109(d) lists the conditions under which the Planning Commission may grant a permit to enlarge a legal nonconforming use.

F. **HISTORY/DISCUSSION:**

According to a 1992 nonconforming use permit staff report (Z.F. #92-130), this property has had an extensive history of various nonresidential uses on the first floor, while the residential use on the second floor has remained constant over time. Ramsey County records indicate that the building was constructed in 1910. The first floor of the existing building housed a grocery store from 1948 through at least 1973. From 1979 to roughly 1988, the same space was used as an aluminum products business (doors/awnings), and in 1989, it was used as a showroom for a porch & awning manufacturing/installation company. After sitting vacant for around a year, the building was used as a warehouse in 1991 (according to the same zoning file #92-130). A permit to change the nonconforming use was approved by the Planning Commission in 1992, from the previous manufacturing showroom use to a mixed convenience market and contractor's shop use (Z.F. #92-130). The contractor's office/showroom use continued until the previous owner moved his office out of the first floor in 2004, leaving it as a storage facility for materials associated with the contractor's shop business. On October 20, 2006, a permit to re-establish a grocery store use was denied by the Planning Commission (Z.F. #06-223-900). On February 7, 2007, a permit for the re-establishment of nonconforming use to allow a silk-screening shop was approved by the Planning Commission (Z.F. # 07-008-198).

G. **DISTRICT COUNCIL RECOMMENDATION:** No comments have been received from the District 4 Community Council.

H. **FINDINGS:**

1. The applicant, Alex Haug, seeks a nonconforming use permit to enlarge his existing building in order to accommodate a new screen press. A variance of lot coverage from the 35% maximum allowed in the RT1 district to approximately 57% is also needed for the expansion.
2. Section 62.109(d) Enlargement of nonconforming use states that *[t]he planning commission may permit the enlargement of a nonconforming use if the commission makes the following findings:*

1. *The enlargement will not result in an increase in the number of dwelling units.* This finding is met. The number of dwelling units on the property will remain the same.
2. *For enlargements of a structure, the enlargement will meet the yard, height and percentage of lot coverage requirements of the district.* This finding is not met. The existing structure on the lot already exceeds the lot coverage permitted in the RT1 district. RT1 allows 35% lot coverage (2369 sq. ft.) and the existing building covers 46% of the lot (3102 sq. ft.). The applicant is requesting further variance of the lot area coverage to approximately 57% (3822 sq. ft.). The one-story addition would serve to square off a "missing" corner of the existing building. According to the applicant, at some point in history, a similar addition did cover this area of the lot, but this structure was removed. The applicant has applied for a variance of the lot coverage limit. If the Planning Commission approves the variance, this finding will be met.
3. *The appearance of the enlargement will be compatible with the adjacent property and neighborhood.* This finding can be met. The proposed addition can be consistent in appearance with the existing building on the site and the commercial use. Use of high quality construction materials, following appropriate site plan requirements, could result in increased visual appeal of the property to the surrounding neighborhood. Plans approved by City staff for this building addition should be in substantial compliance with the plan submitted and approved as part of this application and with the general design standards in Sec. 63.110.
4. *Off-street parking is provided for the enlargement that meets the requirements of section 63.200 for new structures.* This finding is met. Limited production and processing requires 1 space per 1,000 sq. ft. GFA (§63.207) which means that 3,822 sq. ft. GFA mandates four parking spaces. The residential unit on the 2nd floor adds the requirement of an additional space for a total requirement of 5 parking spaces. The attached site plan and aerials show 6 parking spaces, double stacked. While the Zoning Code does not permit stacked spaces, there is sufficient width for 5 non-stacked spaces, meeting the code requirement.
5. *Rezoning the property would result in a "spot" zoning or a zoning inappropriate to surrounding land use.* This finding is met. Rezoning this parcel would be inappropriate, as the property is located in the middle of an RT1 residential district.
6. *After the enlargement, the use will not result in an increase in noise, vibration, glare, dust, or smoke; be detrimental to the existing character of development in the immediate neighborhood; or endanger the public health, safety, or general welfare.* This finding is met. The proposed enlargement will neither add new activities to the site nor increase noise, vibration, glare, dust or smoke. The enlargement is consistent with the existing character of development on the site which has not generated any complaints to the Department of Safety and Inspection since operations began in 2007.
7. *The use is consistent with the comprehensive plan.* This finding is met. This proposal is consistent with Objective 1.48 of the City's Land Use Plan, which calls for compatible mixed uses within single buildings. It is also consistent with Objective 1.7 permitting neighborhood serving commercial businesses compatible with the character of Established Neighborhoods. In addition, this proposal is consistent with the Dayton's Bluff (District 4) Plan commercial and economic development strategy C3 – Promote the reuse, instead of demolition, of existing commercial buildings.
8. *A notarized petition of two-thirds of the property owners within one hundred (100) feet of the property has been submitted stating their support for the enlargement.* This finding is met. The petition was found sufficient on September 4, 2012: 15 parcels eligible; 10 parcels required; 10 parcels signed.

3. MN Stat. 462.357, Subd. 6 was amended to establish new grounds for variance approvals effective May 6, 2011. Required findings for a variance consistent with the amended law are as follows:

- (a) *The variance is in harmony with the general purposes and intent of the zoning code.* This finding is met. The general purpose and intent of the zoning code, as found in Sec. 60.103, includes: to implement policies in the comprehensive plan, to encourage a compatible mix of land uses, and to conserve and improve property values. The lot area coverage variance will continue the mix of uses within the building, is compatible with the neighborhood, and serves to improve the value of the property.
- (b) *The variance is consistent with the comprehensive plan.* This finding is met. This proposal is consistent with Objective 1.48 of the City's Land Use Plan and Strategy C3 of the District 4 Plan.
- (c) *The applicant has established that there are practical difficulties in complying with the provision, that the property owner proposes to use the property in a reasonable manner not permitted by the provision. Economic considerations alone do not constitute practical difficulties.* This finding is met. The applicant states that the business has outgrown its present space and the addition is needed to house new equipment. The floor of the existing building can not handle the weight of the new press. Without this expansion and new capital investment, the owner could be forced to move the business and associated jobs out of this location.
- (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is met. The existing building is inadequate to support the growing business. The business is located in a mixed-use building that already exceeds the maximum lot area coverage and contains a legal non-conforming use.
- (e) *The variance will not permit any use that is not allowed in the zoning district where the affected land is located.* This finding is met. The use is already established as a legal non-conforming use associated with an existing business.
- (f) *The variance will not alter the essential character of the surrounding area.* This finding is met. The increase in floor area will not alter the character of the existing building or the surrounding area. The proposed addition is to a building that has been part of the neighborhood for over one hundred years. The proposed addition can be consistent in appearance with the existing building on the site and the commercial use. Use of high quality construction materials, following appropriate site plan requirements, could result in increased visual appeal of the property to the surrounding neighborhood.

I. **STAFF RECOMMENDATION:** Based on the findings above, staff recommends approval of the enlargement of non-conforming use and variance of lot area coverage to permit an addition of 3822 sq. ft. in size to the existing building subject to the following conditions:

- 1. The silk-screening shop hours of operation shall remain limited to 8:00 AM to 6:00 PM, Monday through Friday.
- 2. Site plan review shall be required if city site plan review staff finds that the surface of the existing rear parking lot has been removed, and requires repaving, as per §63.202. If found to be mandatory, such improvements shall be reviewed and approved by the site plan review staff.
- 3. The applicant shall comply with all standards and conditions as required by City of Saint Paul zoning, building and fire codes in order to receive a Certificate of Occupancy, including Sec. 63.110(d).



NONCONFORMING USE PERMIT APPLICATION
Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589

Zoning Office Use Only

File #: 12-10/124

Fee: 700.00

Tentative Hearing Date:

9-13-12

PD-4

332922220079

APPLICANT

Name Alex Haug

Address 938 6th Street East

City Saint Paul St. MN Zip 55106

Daytime Phone 651-772-3444

Name of Owner (if different) _____

Contact Person (if different) _____ Phone _____

PROPERTY LOCATION

Address/Location: 938 6th Street East St. Paul, MN 55106

Legal Description Schiffmann Place Lot 1

Current Zoning Business/Commercial/Res - RT-1

(attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Nonconforming Use Permit under provisions of Chapter 62, Section 109 of the Zoning Code:

- Permit is for:
- ☐ Change from one nonconforming use to another (para. c)
 - ☐ Re-establishment of a nonconforming use vacant for more than one year (para. e)
 - ☐ Establishment of legal nonconforming use status for use in existence at least 10 years (para. a)
 - ☒ Enlargement of a nonconforming use (para. d)

SUPPORTING INFORMATION: Supply the information that is applicable to your type of permit.

Present/Past Use: Silk Screening Shop - NO retail

Proposed Use: Silk Screening Shop - NO Retail

Attach additional sheets if necessary

Addition would enclose the South East corner of the property for storage and floor space. Possible re arrangement of equipment as well. Proposed addition is 23x30.

Attachments as required ☒ Site Plan ☒ Consent Petition ☐ Affidavit

Applicant's Signature Mary Louw Date 8/29/12 City Agent add 8/29/12

As stated representative

NCUP
CK004362
700.00
CK8777
300.00
VAR



APPLICATION FOR ZONING VARIANCE

Department of Planning and Economic Development

Zoning Section

1400 City Hall Annex

25 West Fourth Street

Saint Paul, MN 55102-1634

(651) 266-6589

Zoning office use only

File number

Fee

Tentative hearing date

Section(s)

City agent

APPLICANT

Name Alex Haug / Mary Edwards Company Twin City Tees
Address 2421 179th Ave NW (Alex)
City Andover State MN Zip 55304 Daytime Phone 651-772-3444
Property interest of applicant (owner, contract purchaser, etc.) owner
Name of owner (if different)

PROPERTY

Address/Location 938 E. 6th St, St. Paul, MN 55106
Legal description Schiffmann Place, Lot 1
(attach additional sheet if necessary)
Lot size 50.55' x 123.9' x 51.18' x 123.9' Present Zoning RT1 Present Use Silkscreen Embroidery
Proposed Use Addition space will be used for new silkscreen machine

Variance[s] requested:

Supporting Information: Supply the necessary information that is applicable to your variance request, provide details regarding the project, explain why a variance is needed. Duplex/triplex conversions may require a pro forma to be submitted. Attach additional sheets if necessary.

See attached sheet.

Attachments as required:

☒ Site Plan

☒ Attachments

☒ Pro Forma

Applicant's signature

I would like to request permission to modify the percentage of lot coverage requirement for the building at 938 E. 6th St., St. Paul, MN 55106. This building has never met the 30% requirement. It was built in 1910 and added to in 1948. At one point there was a poorly constructed addition in the location where we want to put our addition. This addition had been removed before we bought the building. This can be seen in old aerial photos of our location.

When we purchased the building in 2007, we did not realize the problems we would face in this neighborhood. In the last 5 years, there have been several shootings within a 2 block area surrounding this property. Unknown to us, we inherited a drug dealer as an upstairs tenant. The building needed a new roof, the ceiling and walls were full of mold, and the basement had standing water everywhere. This being said, we have poured well over \$100,000 in improvements into the building; money that we can never hope to recover if we would try to sell. We have come to know our neighbors as hard-working kind people, dedicated to making the neighborhood a better place.

We have outgrown our present space and a 24' x 30' addition is needed to house a new piece of equipment. Not only is our present space too small, the 100 year old floor would not support the 5,000 lb. new press. Moving our business out of St. Paul would be somewhat impractical, however not out of the question. We have developed strong ties in the neighborhood, joining the newly formed Dayton's Bluff Business Association. Two of our employees are young people from the immediate neighborhood.

Our first choice is to remain in Dayton's Bluff. Without this addition, however, we will have no choice but to move.

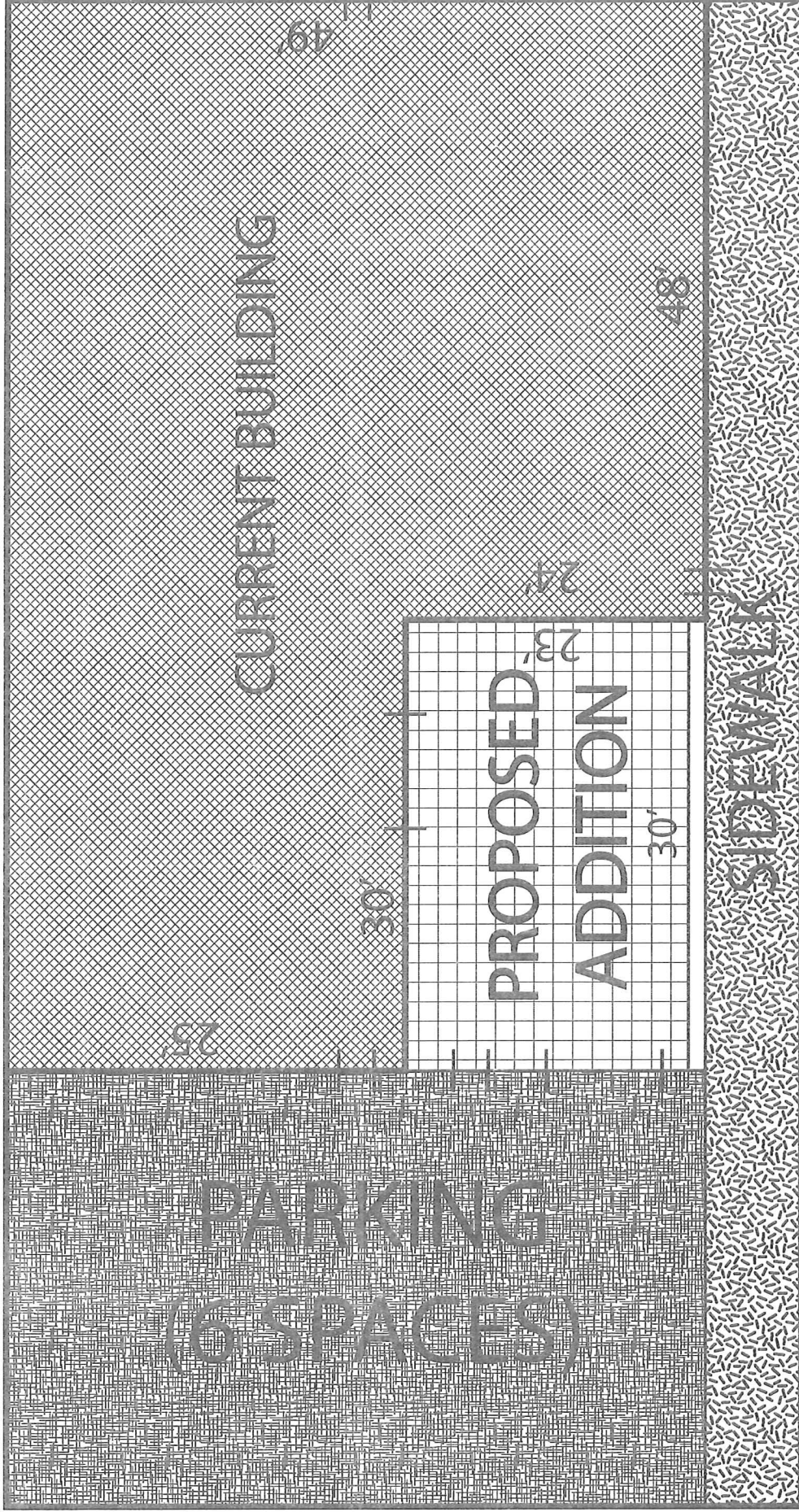
Section 62.109(d) – Enlargement of Nonconforming Use Answers

1. The enlargement will not increase the numbers of units. That will remain the same, 2 units.
2. Under advisement of City of Saint Paul employees, this will not be an issue.
3. It is a mixed use neighborhood, and the addition will not jeopardize the appearance of the neighborhood.
4. Parking is currently available off street.
5. Zoning of property will not change.
6. The addition will not affect the development of the neighborhood or decrease public safety or general welfare. The addition will, in fact, ADD to safety and reduce noise and vibration in neighborhood by allowing UPS, FedEx and delivery trucks to deliver directly to our location. Currently these trucks must sit idle on the street while unloading.

7&8. Immediate property owners and local property owners are very much in support of our request. Petition of ALL reachable property owners is attached.

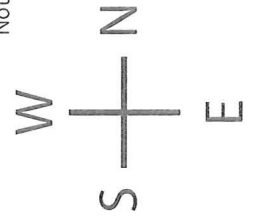
78'

Sixth Street East



Not To Scale

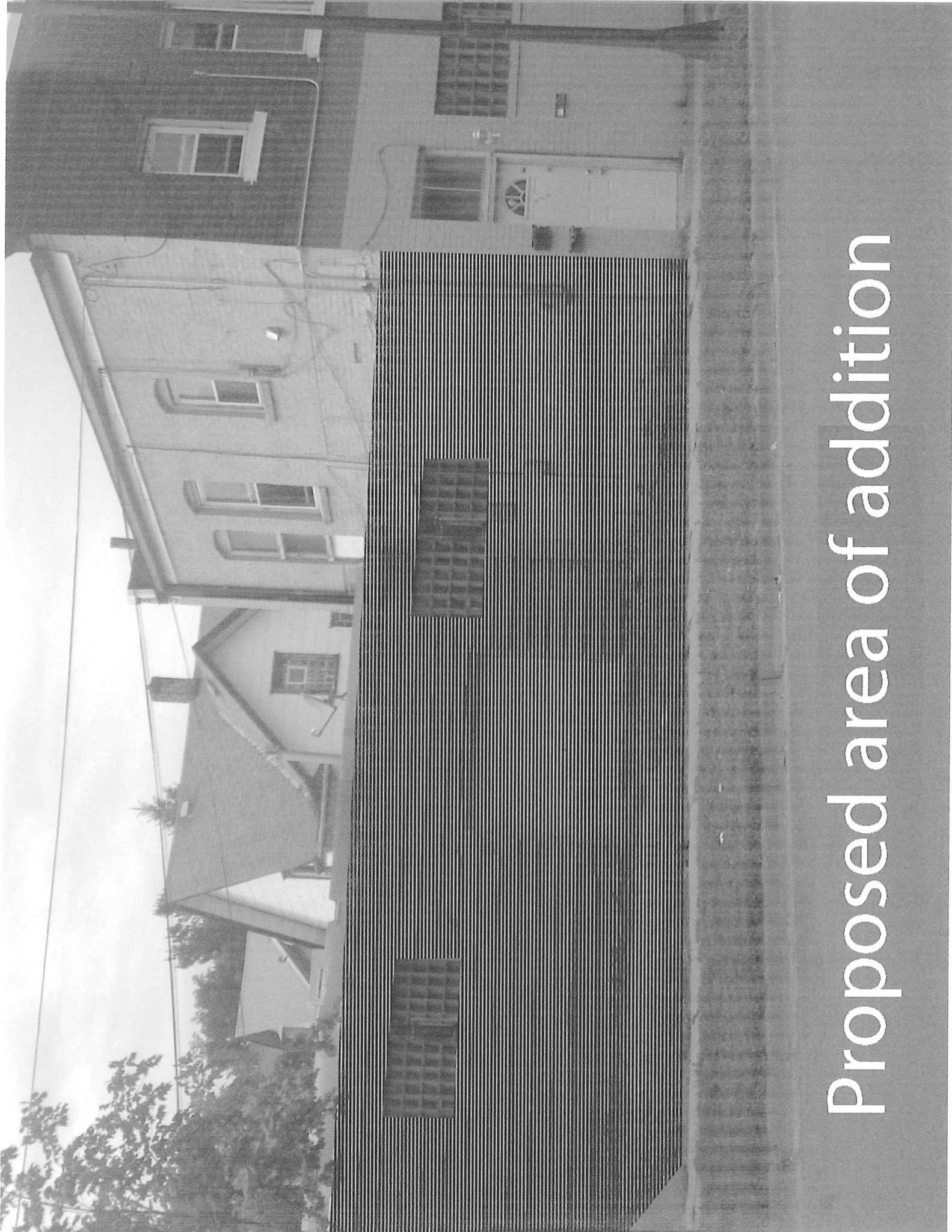
FOREST Street



Main Level View



CURRENT



Proposed area of addition

Original

CITY OF SAINT PAUL

CONSENT OF ADJOINING PROPERTY OWNERS FOR A
NONCONFORMING USE PERMIT

We, the undersigned, owners of the property within 100 feet of the subject property acknowledge that we have been presented with the following:

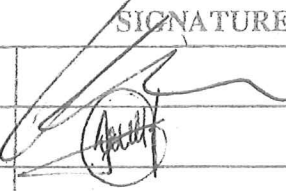
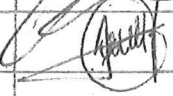
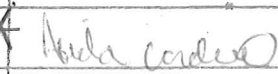

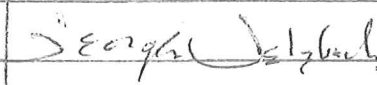

A copy of the application of Twin City Tees LLC.
(name of applicant)

to establish a Extra storage space, Aprox. 750 sq. Ft.
(proposed use)

located at 938 6th Street East, Saint Paul, MN 55106
(address of property)

requiring a nonconforming use permit, along with any relevant site plans, diagrams, or other documentation.

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
938 6TH ST E 55106-4504	Tct Properties Llc		8-8-12
941 6TH ST E 55106-4505	Josue Huerta Sanchez		08-09-12
935 6TH ST E 55106-4503	John Lofton Christine Lofton		
931 6TH ST E 55106-4503	Hector Ortiz Dominguez		
929 6TH ST E 55106-4503	Navlaks Llc		
925 6TH ST E 55106-4503	Jesse Haug		
922 6TH ST E 55106-4504	Som Lee		
926 6TH ST E 55106-4504	Russell G Knoblach Carol J Knoblach		
932 6TH ST E 55106-4504	Alida Cordero Franklyn Cordero		8/10/12
942 6TH ST E 55106-4506	Joua Vang		
951 5TH ST E 55106-5200	Church Of St John		8/9/12
933 5TH ST E 55106-5229	Zaw H Wai		
929 5TH ST E 55106-5229	Anthony Lorino Margaret R Tenerelli		8/8/12

NOTE: All information on the upper portion of this application must be completed prior to obtaining eligible signatures on this petition.

CITY OF SAINT PAUL

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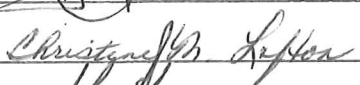

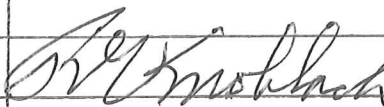
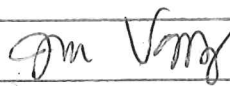
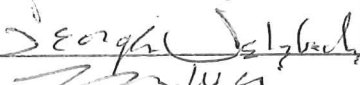


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929 6TH ST E 55106-4503	Navlaks Llc		
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922 6TH ST E 55106-4504	Som Lee		
926 6TH ST E 55106-4504	Russell G Knoblach Carol J Knoblach		8-9-12
932 6TH ST E 55106-4504	Alida Cordero Franklyn Cordero		
942 6TH ST E 55106-4506	Joua Vang		8/29/12
951 5TH ST E 55106-5200	Church Of St John		8/9/12
933 5TH ST E 55106-5229	Zaw H Wai		08-17-12
929 5TH ST E 55106-5229	Anthony Lorino Margaret R Tenerelli		8/8/12

NOTE: All information on the upper portion of this application must be completed prior to obtaining eligible signatures on this petition.

CITY OF SAINT PAUL

CONSENT OF ADJOINING PROPERTY OWNERS FOR A NONCONFORMING USE PERMIT

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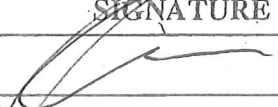
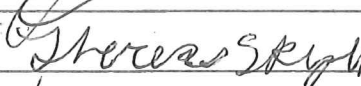
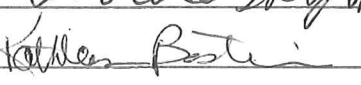
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We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
623 Forest. Ave 55106	Tct Properties Llc		8-8-12
925 5TH ST E 55106-5229	Thomas E Spychalla Theresa M B Spychalla		8-8-12
923 5TH ST E 55106-5229	Dennis P Bastian Kathleen A Bastian		8/29/12 KB

NOTE: All information on the upper portion of this application must be completed prior to obtaining eligible signatures on this petition.

CITY OF SAINT PAUL

AFFIDAVIT OF PETITIONER FOR A CONDITIONAL
USE PERMIT OR A NONCONFORMING USE
PERMIT

STATE OF MINNESOTA)

SS

COUNTY OF RAMSEY)

The petitioner, Mary Edwards, being first duly sworn, deposes and states that the consent petitioner is informed and believes the parties described on the consent petition are owners of the parcels of real estate described immediately before each name; each of the parties described on the consent petition is an owner of property within 100 feet of the subject property described in the petition; the consent petition contains signatures of owners of at least two-thirds (2/3) of all eligible properties within 100 feet of the subject property described in the petition; and the consent petition was signed by each said owner and the signatures are the true and correct signatures of each and all of the parties so described.

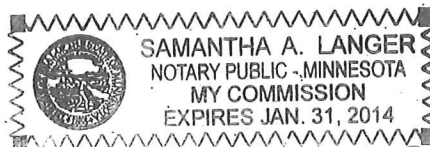
Mary Edwards 9/4/12
Mary Edwards
NAME

131 Ankerst St.
ADDRESS

651-688-8966
TELEPHONE NUMBER

Subscribed and sworn to before me this
29th day of August, 2012

NOTARY PUBLIC



9/08

Sept. 4 2012 Samantha Langer

ZONING PETITION SUFFICIENCY CHECK SHEET

REZONING

SCUP

NCUP

FIRST SUBMITTED

RESUBMITTED

DATE PETITION SUBMITTED: 8/23/12

DATE PETITION RESUBMITTED: 9/4/12

DATE OFFICIALLY RECEIVED: _____

DATE OFFICIALLY RECEIVED: _____

PARCELS ELIGIBLE: 15

PARCELS ELIGIBLE: 15

PARCELS REQUIRED: 10

PARCELS REQUIRED: 10

PARCELS SIGNED: 9 8/27/12

PARCELS SIGNED: 10

CHECKED BY: Paul Dubruel

DATE: 8/27/12
9/4/12

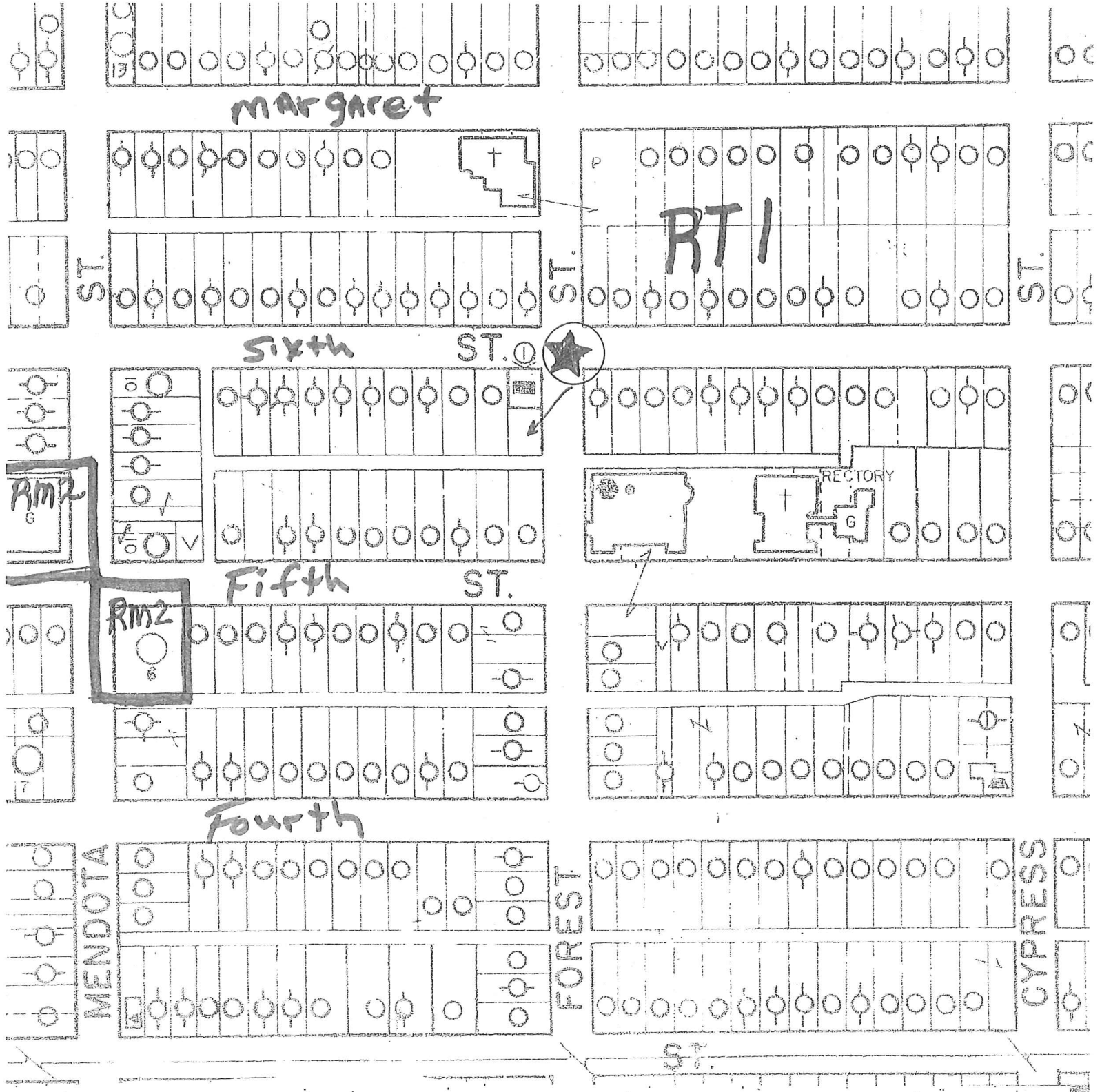


GISmo Oblique Photography

Images courtesy of: Microsoft® Virtual Earth™ 2006

☒ Show Dashboard ☒ Show Reference Map





APPLICANT <u>Alex Haug</u>		LEGEND		
PURPOSE <u>Enlargement NCLP w/ variance</u>		zoning district boundary		
FILE # <u>12-101124</u>	DATE _____	subject property		north
PLNG. DIST. <u>4</u>	Land Use Map # <u>14</u>	one family two family multiple family		
SCALE 1" = 400'		Zoning Map # <u>11</u>		commercial industrial vacant



Dayton's Bluff

District 4 Community Council

798 E. 7th Street, Saint Paul, MN 55106 - Phone 651-772-2075 - Fax 651-774-3510
Visit our web site at www.daytonsbluff.org

September 19, 2012

Patricia James
Saint Paul PED
25 West 4th Street
Saint Paul MN 55102

Dear Ms. James,

Our board of directors at their September 10, 2012 board meeting passed a resolution to write a letter recommending approval of Twin City Tees application for an extension of their existing non-conforming use permit.

We were very happy when they decided to move into Dayton's Bluff and they have been good neighbors. We are pleased they want to expand in Dayton's Bluff.
Thank you.

Sincerely,

Karin DuPaul

Karin DuPaul
Community Organizer
cc. Kathy Lantry